

# **EXHIBIT B**

**In The Matter Of:**

*Otto Bishop*

*vs.*

*The Goodyear Tire & Rubber Co., et al.*

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*William J. Woehrle*

*September 5, 2014*

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**MERRILL CORPORATION**

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<p style="text-align: right;">82</p> <p>1 dominates; whereas, for another particular type</p> <p>2 of flash, height or width dominates. It</p> <p>3 depends on the flash.</p> <p>4 <b>Q Okay. Going to your -- the portion of the</b></p> <p>5 <b>insufficient skim rubber over the chafer</b></p> <p>6 <b>fabric, do you know to what extent that</b></p> <p>7 <b>contributed to the slow leak?</b></p> <p>8 <b>A</b> It contributed in a qualitative way that is</p> <p>9 certainly in keeping with equivalent -- not</p> <p>10 equal but equivalent to the flash but beyond</p> <p>11 that, it's impossible to more precisely</p> <p>12 quantify the relative contributions of those</p> <p>13 two defects.</p> <p>14 <b>Q And do you think that that was a -- that the</b></p> <p>15 <b>skim rubber over the chafer fabric, I think you</b></p> <p>16 <b>had said that that was a contributing factor?</b></p> <p>17 <b>A</b> I characterize the thin skim rubber to be a</p> <p>18 contributing factor, yes.</p> <p>19 <b>Q You don't believe that was a proximate cause?</b></p> <p>20 <b>A</b> Hypothetically, if only thin skim rubber</p> <p>21 existed in the absence of flash and non fill,</p> <p>22 then I'm not sure that leakage would be a</p> <p>23 consequence.</p> <p>24 So, again, hypothetically</p> <p>25 singling out that condition and expressing</p>	<p style="text-align: right;">84</p> <p>1 <b>understood. The consequences of what are well</b></p> <p>2 <b>understood?</b></p> <p>3 <b>And why don't I go ahead and</b></p> <p>4 <b>refer you to -- I'm looking at Page 3 of 16 on</b></p> <p>5 <b>Exhibit 77.</b></p> <p>6 <b>A</b> Right.</p> <p>7 <b>Q And it's the paragraph that begins "such</b></p> <p>8 <b>manufacturing defects" and that second sentence</b></p> <p>9 <b>says:</b></p> <p>10 <b>"Its nature and appearance</b></p> <p>11 <b>as well as its consequences are</b></p> <p>12 <b>well understood."</b></p> <p>13 <b>A</b> Right.</p> <p>14 <b>Q Well, the consequences of what are well</b></p> <p>15 <b>understood?</b></p> <p>16 <b>A</b> The consequences of defects like what we've</p> <p>17 been discussing were to remain in the tire and</p> <p>18 sold, gone out the door. And out the door of</p> <p>19 the factory, that is. So yes, that's what I'm</p> <p>20 referring to when I make that statement.</p> <p>21 <b>Q So the consequences of excess flash and non</b></p> <p>22 <b>fill are well understood; is that correct?</b></p> <p>23 <b>A</b> Well, I'm saying that in addition to its nature</p> <p>24 and appearance. And so all of that is well</p> <p>25 understood, I'm saying.</p>
<p style="text-align: right;">83</p> <p>1 uncertainty as to whether it would be</p> <p>2 consequential, is my basis for therefore</p> <p>3 calling it a contributing factor instead of a</p> <p>4 proximate cause.</p> <p>5 <b>Q Okay. In your tire report you don't cite any</b></p> <p>6 <b>sources or facts that support your position</b></p> <p>7 <b>that the skim rubber thickness over the chafer</b></p> <p>8 <b>fabric was a contributing factor. Are there</b></p> <p>9 <b>additional documents that help you -- that</b></p> <p>10 <b>support this opinion?</b></p> <p>11 <b>A</b> That's where this additional publication from</p> <p>12 Frank Herzegh is, I think, of value where that</p> <p>13 issue was specifically addressed. And he is</p> <p>14 rather thorough in describing what happened.</p> <p>15 He invented the tubeless tire.</p> <p>16 And one of the things he did to accomplish that</p> <p>17 was thicken up the rubber significantly over</p> <p>18 the chafer to convert a tube-type tire to a</p> <p>19 tubeless tire.</p> <p>20 <b>Q Other than that, any other documents that would</b></p> <p>21 <b>support the theory?</b></p> <p>22 <b>A</b> I'm -- I can't think of any additional</p> <p>23 documents right now.</p> <p>24 <b>Q You said in your -- in Exhibit 77 in your tire</b></p> <p>25 <b>report that the consequences are well</b></p>	<p style="text-align: right;">85</p> <p>1 And, again, it's embraced in the</p> <p>2 Dunlop specifications and where they say in the</p> <p>3 specifications, tires with these conditions</p> <p>4 quote, are not fit for use, end of quote.</p> <p>5 That's what Dunlop says in their own words.</p> <p>6 And so -- and so and it's a</p> <p>7 consequence that goes way beyond cosmetic. For</p> <p>8 heaven's sake, these conditions can't even be</p> <p>9 seen in a tire that's mounted on a rim. So any</p> <p>10 claim as to it being cosmetic is -- in my view</p> <p>11 is false.</p> <p>12 <b>Q I just want to confirm that when you're saying</b></p> <p>13 <b>its consequences, that it's the consequences of</b></p> <p>14 <b>excess flash and non fill in the bead that you</b></p> <p>15 <b>believe are well understood, that that's what</b></p> <p>16 <b>this reference is.</b></p> <p>17 <b>A</b> Yes. The nature, appearance, and consequences</p> <p>18 are well understood. I'm referring to all</p> <p>19 three of those when I say is -- are well</p> <p>20 understood, yes.</p> <p>21 <b>Q Okay. And is there any peer-reviewed articles</b></p> <p>22 <b>that explains these well-understood</b></p> <p>23 <b>consequences of excess flash?</b></p> <p>24 <b>A</b> I don't know of any articles that specifically</p> <p>25 address excess flash. Again, Frank Herzegh</p>

22 (Pages 82 to 85)

<p style="text-align: right;">166</p> <p>1 A If by that you mean a sample owner's manual for  2 this model year and make of motorcycle, I am  3 not sure if the manual that I have looked at  4 represents that or not. Probably does not.  5 It's a touring bike, a touring motorcycle.  6 That's all I know.</p> <p>7 <b>Q Okay. Have you -- prior to submitting your</b>  8 <b>report did you read or review the driver's</b>  9 <b>license booklet for the State of Wisconsin?</b></p> <p>10 A I have not seen the driver's license booklet  11 for the State of Wisconsin, no.</p> <p>12 <b>Q I just have a few more questions here. Is it</b>  13 <b>true that you don't hold -- let me rephrase</b>  14 <b>that. That's a bad question.</b></p> <p>15 <b>You don't hold an engineering</b>  16 <b>degree of any kind; is that correct?</b></p> <p>17 A I have a bachelor of science with a major in  18 physics degree instead of an engineering  19 degree.</p> <p>20 <b>Q Okay. And you're not a professional licensed</b>  21 <b>engineer in any state; correct?</b></p> <p>22 A I'm a scientist as opposed to an engineer and  23 so I do not have a professional licensed  24 engineering degree.</p> <p>25 <b>Q Did you think you do not have a -- you're a</b></p>	<p style="text-align: right;">168</p> <p>1 a specialty in chemistry.</p> <p>2 <b>Q And you have not designed a motorcycle tire,</b>  3 <b>have you?</b></p> <p>4 A I have not designed a motorcycle tire, that's  5 correct.</p> <p>6 <b>Q And you would not hire yourself to design a</b>  7 <b>motorcycle tire; is that true?</b></p> <p>8 A I would not hire myself to design a motorcycle  9 tire, that's correct.</p> <p>10 <b>Q Okay. And is it true that you've never</b>  11 <b>designed a component for a motorcycle tire?</b></p> <p>12 A I have never designed a component for a  13 motorcycle tire, that's correct.</p> <p>14 <b>Q Okay. And you do not hold any patents on tire</b>  15 <b>design or tire components?</b></p> <p>16 A I do not hold any patents on tire design or  17 tire components, that's correct.</p> <p>18 <b>Q So it's your opinion that the tire pressure in</b>  19 <b>this case reached a single digit at the time of</b>  20 <b>the accident?</b></p> <p>21 A Yes. It's my opinion that the tire pressure  22 reached single digits. In a broader sense,  23 probably below ten PSI but certainly greater  24 than -- significantly greater than zero PSI at  25 the time of the catastrophic failure.</p>
<p style="text-align: right;">167</p> <p>1 <b>scientist and you do not have a professional</b>  2 <b>engineering degree?</b></p> <p>3 A That's correct. I'm a scientist as opposed  4 to -- that's what my degree is in. And so I do  5 not have a degree -- a license or whatever it's  6 called, as a professional engineer.</p> <p>7 <b>Q Okay. So just for the record to be clear, you</b>  8 <b>do not have a license as a professional</b>  9 <b>engineer?</b></p> <p>10 A I do not have a license as a professional  11 engineer, that's correct.</p> <p>12 <b>Q Okay. And you have never taken a course on</b>  13 <b>tire design or tire manufacturing?</b></p> <p>14 A I'm not aware of the existence of courses on  15 tire design or tire manufacturing but beyond my  16 experience at Uniroyal, I don't have -- I have  17 not taken any such courses.</p> <p>18 <b>Q Okay. And you're not a chemist or a chemical</b>  19 <b>engineer?</b></p> <p>20 A I'm a physicist, not a chemist or a chemical  21 engineer, that's correct.</p> <p>22 <b>Q And you do not consider yourself to be a tire</b>  23 <b>compounder?</b></p> <p>24 A I'm a physicist as opposed to a tire  25 compounder, which generally would be viewed as</p>	<p style="text-align: right;">169</p> <p>1 <b>Q And you believe that because the tire reached</b>  2 <b>temperature of approximately 482 degrees</b>  3 <b>Fahrenheit?</b></p> <p>4 A 482 degrees Fahrenheit, the official melting  5 temperature of polyester cords and that's the  6 basis of that conclusion.</p> <p>7 <b>Q And you believe that it reached a single digit</b>  8 <b>pressure level due to a slow leak caused by</b>  9 <b>excess flash and non fill in the bead area?</b></p> <p>10 A Yes. It reached a single digit pressure due to  11 a slow leak and the only reasonable explanation  12 for the slow leak was excess flash and non fill  13 in the bead area.</p> <p>14 <b>Q And you believe that this slow leak occurred</b>  15 <b>over the course of Mr. Bishop's last trip on</b>  16 <b>the day of the accident?</b></p> <p>17 A Yes. I believe this leak occurred during the  18 course of that trip, culminating with the  19 pressure that we -- that I've stated and the  20 catastrophic failure resultant from that  21 pressure.</p> <p>22 <b>Q Okay. Now, you don't know what the inflation</b>  23 <b>pressure -- we don't -- strike that. I'll</b>  24 <b>rephrase it.</b></p> <p>25 <b>You don't know for certain what</b></p>

43 (Pages 166 to 169)